

8. The Hawaii Transfer Company, Limited contract listed in the Fleming Bankruptcy Schedules as that was the subject of the assumption and assignment related and any and all revisions and documents related to these contracts.

Response

Fleming objects to the Request insofar as it improperly seeks documents, which are irrelevant, burdensome, intrusive, oppressive, harassing and not reasonably calculated to lead to the discovery of admissible evidence.

9. Any and all copies of software that contains any of the software written by Wayne Berry and/or any employee of Atlantic Pacific International, Inc. including all backup copies that contain any of the original work of Wayne Berry or any employee of Atlantic Pacific International, Inc. that relates in any way to the shipment of goods via ocean transport or trucking and documents related to these contracts.

Response

Subject to an appropriate protective order, Fleming will produce to an expert witness copies of the software described in this request, redacted to protect confidential business information.

10. Any and all documents related to the conversion of Fleming's Hawaii Freight control system after March 6, 2003 to the original Berry Freight Control System, as set forth in the Declaration of Mark Dillon filed in the Delaware Bankruptcy case on or about August 1, 2003 including:

Response

Fleming objects to the entire Request insofar as it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

- A. All documents related to operating manuals or other employee communication related to the conversion.